



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,896	07/03/2001	Anthony Haber	4606P004	3622

8791 7590 05/25/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/898,896	Applicant(s) HABER ET AL.	
	Examiner Kambiz Abdi	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/17/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3621

DETAILED ACTION

1. Claims 1-23 have been examined.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the screen captures are not clear as well as within the standard of the MPEP. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

3. Applicant is advised that should claim 1 be found allowable, claim 2 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Requirement for Information Under 37 C.F.R. 1.105

4. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
5. The information is required to identify products and/or services embodying the disclosed subject matter for providing Chrome.com's software and system to other entities under license. The Examiner, upon conducting a search for prior art, discovered several published documents related to Applicants' invention. The first published document (dated October 4, 1999), entitled "EON Reality Inc. And Chrome Data Corp. Announce Strategic Collaboration for Interactive 3D Car Configuration", describes the public

Art Unit: 3621

availability of a first version of a web application to integrate online car sales and 3D rendering of the cars for demo and disclosure of the tool PC Carbook. A second document, (dated June 14, 1999), entitled "Car Configurator Sells On Extranet", further describes an online collaborative, buyer driven car market system, available at the time of the article's publication, which provides car buyers to spec out a car, dealer/manufacturers vie to see which one can deliver the features and price requested by the buyer. The second document also explains that the product is Web-enabled. A third article, (dated February 8, 1999), titled "Chrome data Lunches Revolutionary Business-to-Business Digital Automotive Network Business Editors/Technology Writers", also has similar disclosures as above articles, regarding means to participate in online automotive transactions.

6. Each of the cited documents published in 1999, more than a year before the Applicant's filing date. In response to this requirement please provide any known publications, brochures, manuals and press releases that describe the Chrome.com or any other online automotive transaction system that is described by the aforementioned documents, and specifically what product or service was marketed or developed before July 3, 2000, that was the subject of the article disclosures.

7. The fee and certification requirements of 37 C.F.R. 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. 1.105 are subject to the fee and certification requirements of 37 C.F.R. 1.97.

8. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

9. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required

Art Unit: 3621

information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

10. This requirement is subject to the provisions of 37 C.F.R. 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

12. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear to the examiner what the "higher-level application" means.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,794,207 to Jay S. Walker.

15. As per claims 1-4, 13, 14, Walker clearly teaches an apparatus comprising:

To conduct a commercial collaboration amongst disparate participants, having and storage medium to store rules (See Walker figures 1-4 and associated text, column 8, line 28- column 9, line 51, column 12, lines 54-68). Apparatus comprises, a collaborative engine, control logic, network interface,

Art Unit: 3621

network being Internet capable, memory, and management application (See Walker figures 1-4 and associated text, column 10, lines 8-56).

16. As per claim 6, Walker teaches all the limitations of claim 5, further, Walker teaches the user interface applications further comprises a GUI interface.

17. As per claim 9, Walker teaches all the limitations of claim 3, further the memory comprises: a rules data element; and a search/transaction history data element (See Walker column 12, lines 54-68, column 13, lines 59-62, column 18, lines 14-55).

18. As per claim 10, Walker teaches all the limitations of claim 9, wherein the memory further comprises volatile or non-volatile memory (See Walker column 12, lines 3-7 and lines 54-68).

19. As per claims 21-23, Walker teaches all the limitations of claim 7, further comprising a collaboration rules database which, when invoked by the search rules engine, identifies and divides collaboration partners into preferential tiers based, at least in part on the collaboration rules (See walker column 13, lines 30-62, column 19, lines 29-44), a seller identification field; and a collaboration partner identification field (See Walker column 2, lines 16-26, column 7, line 66-column 8, line 2, column 13, lines 11-62, column 19, lines 29-44).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3621

21. Claims 5-23 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,794,207 to Jay S. Walker et al.

22. As per claim 5, Walker teaches all the limitations of claim 2, wherein the collaboration agent further comprises:

statistical tool applications; report generation tool applications; and user interface applications (See Walker column 12, lines 54-68 and column 13, lines 59-62).

What is not clear in Walker is a comprehensive reporting details. However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to utilize enhanced methods and systems of reporting and statistical analysis of data collected in a database for expanded understanding of the systems performance in a business environment as well as enhanced knowledge of the volume or any other aspects of conducted transactions.

23. As per claims 7-8, and 17-20 Walker teaches all the limitations of claim 3, further the collaboration agent further comprises:

a database manager to populate and manage information resident within associated databases; a search rules engine for searching data structures; and a data translator (See Walker figure 8, column 12, lines 54-68, column 18, lines 44-60). What is not specific by Walker teaching is the data translator.

However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to know that and it would be essential in order to display the information on a GUI such as a browser on internet, one has to translate XML data and HTML codes collected from a database via a server. Or even if there is a CGI script to collect information and display it in a GUI such as a browser it would be essential to translate the information.

Additionally data integration and translation of common data in disparate computer location and synchronization and transfer of such data from one computer to another is well known in the art. It is a common practice to use EDIs or APIs to move data from one database to another and utilizing these

Art Unit: 3621

applications to manage the dissimilarity of type of the data. For example U.S. Patent No. 4,714,995 to Anthony Materna is clearly teaching the integration of different data in separate databases. However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to have the utility of data translation for consistency of the data among disparate computer systems with common data elements for better efficiency and integrity of the data collected.

24. As per claims 11 and 15, Walker teaches all the limitations of claims 2 and 7, the storage medium further comprises:

25. A consolidated inventory database; and a product identification database is a well-known practice in the art. Patent Publication No. US2002/0083077A1 to David Vardi clearly demonstrates the consolidation of databases is well-known and old practice in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to include the well known practice of such consolidation of collected data includes standardization, consolidation or correlation of the information gathered from different sources and supplies it to an analyzer and report generator that provides the information to a user in a format that is easier to use.

26. As per claim 12, Walker teaches all the limitations of claim 11, further the storage medium is located externally from the collaboration agent (See Walker Figures 1-8).

27. As per claim 16, Walker teaches all the limitations of claim 7, further the database manager further comprises a data management function which, when invoked, enables a user to modify product attribute information. The function of the management interface is an essential and integral part of any common database management system in order to control, access, and manage the data base tables as well as data collected. As it can be seen in the examples of the Patent Publication No.

US2002/0083077A1 to David Vardi. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to make such interface to access the data elements as

Art Unit: 3621

well as for maintenance of the database system to have such an interface for added control and enhancement of data tables and collected data within them.

28. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

<http://portal.uspto.gov/external/portal/pair>

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

Art Unit: 3621

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the

Knox Building, 50 Dulany St. Alexandria, VA.

Kambiz Abdi
Examiner

A handwritten signature in black ink, appearing to read 'Kambiz Abdi', written over the printed name and title.

May 16, 2005